

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

FIRST GUARANTY MORTGAGE
CORPORATION, *et al.*¹,

Liquidating Debtors.

Chapter 11

Case No. 22-10584 (CTG)

(Jointly Administered)

Re: D.I. 988, 998

**CERTIFICATION OF COUNSEL REGARDING ORDER (I) DENYING THE PIMCO
PARTIES' MOTION FOR CONTEMPT; AND (II) SETTING DEADLINES**

The undersigned, counsel to the Pacific Investment Management Company LLC and PIMCO Investments LLC's (collectively, the "PIMCO Parties"), hereby certifies as follows:

1. On October 5, 2023, the PIMCO Parties filed the *Motion of the PIMCO Parties for Contempt for Violations of the Court's Enforcement Order and Confirmation Order* [D.I. 988] (the "Motion")² with the United States Bankruptcy Court for the District of Delaware (the "Court").
2. On October 19, 2023, Kari Crutcher ("Relator") filed an objection to the Motion [Docket No. 998].
3. On October 31, 2023, the PIMCO Parties filed the *Reply of the PIMCO Parties for Contempt for Violations of the Court's Enforcement Order and Confirmation Order* [D.I. 1017] (the "PIMCO Parties' Reply").
4. On November 2, 2023, the Court held a hearing (the "November 2 Hearing") to consider the Motion. As set forth on the record at the November 2 Hearing, the Court instructed

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number in the jurisdiction were: First Guaranty Mortgage Corporation ("FGMC") (9575); and Maverick II Holdings, LLC ("Maverick") (5621). The service address for FGMC is 13901 Midway Road, Ste. 102-334, Dallas, Texas 75244.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

the PIMCO Parties and Relator to prepare a proposed order denying the Motion, without prejudice to the propriety of the Third Amended Complaint in the Qui Tam Litigation (the “TAC”).

5. The Court further advised that the PIMCO Parties’ Reply shall be deemed a motion to enforce the Confirmation Order with respect to the TAC (the “TAC Motion to Enforce”), and that the PIMCO Parties and Relator could submit for the Court’s consideration a briefing schedule on the TAC Motion to Enforce.

6. Attached hereto as **Exhibit A** is a form of order (the “Proposed Order”), that incorporates rulings consistent with the record of the November 2 Hearing. The Proposed Order further sets forth a proposed briefing schedule for the TAC Motion to Enforce.

7. Counsel to the PIMCO Parties has shared the Proposed Order with Counsel to Relator, who has approved the Proposed Order.

8. Accordingly, the PIMCO Parties respectfully request entry of the Proposed Order attached hereto as **Exhibit A** at the Court’s earliest convenience.

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Dated: November 9, 2023

/s/ Robert J. Stearn, Jr.

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